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8 *The Bank of New York, as Trustee for the*  
9 *Certificateholders of CWALT, Inc., Alternative*  
10 *Loan Trust 2005-1CB, Mortgage Pass-Through*  
11 *Certificates, Series 2005-1CB*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 THE BANK OF NEW YORK MELLON FKA  
15 THE BANK OF NEW YORK, AS TRUSTEE  
16 FOR THE CERTIFICATEHOLDERS OF  
17 CWALT, INC., ALTERNATIVE LOAN  
18 TRUST 2005-1CB, MORTGAGE PASS-  
19 THROUGH CERTIFICATES, SERIES 2005-  
20 1CB,

21 Plaintiff,

22 vs.

23 JEAN BIRMINGHAM, MORTGAGE  
24 ELECTRONIC REGISTRATION SYSTEMS,  
25 INC., SFR INVESTMENTS POOL 1, LLC,  
26 PEARL COVE II HOMEOWNERS  
27 ASSOCIATION, DOE INDIVIDUALS I-X,  
28 inclusive; and ROE CORPORATIONS I-X,  
inclusive,

Defendants.

Case No.: 2:17-cv-01030-MMD-EJY

**STIPULATION AND ORDER TO LIFT  
STAY FOR LIMITED PURPOSE OF  
ENTERING JUDGMENT AS TO PEARL  
COVE II HOMEOWNERS ASSOCIATION**

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SFR INVESTMENTS POOL 1, LLC,  
  
Counter/Crossclaimant,  
  
vs.  
  
THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS OF  
CWALT, INC., ALTERNATIVE LOAN  
TRUST 2005-1CB, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES 2005-  
1CB; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC. as nominee  
beneficiary for MIRAD FINANCIAL GROUP;  
JEAN BIRMINGHAM, an individual,  
  
Counter/Crossdefendants.

The Bank of New York Mellon, fka The Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-1CB, Mortgage Pass-Through Certificates, Series 2005-1CB (**BoNYM**), SFR Investments Pool 1, LLC (**SFR**), and Pearl Cove II Homeowners Association (**HOA**), by and through their respective counsel of record, stipulate and agree as follows:

1. BoNYM filed a complaint against defendants on April 10, 2017. (ECF No. 1)
2. A notice of settlement between BoNYM and SFR was filed on February 11, 2020. (ECF No. 110). A stipulation to stay the case pending this settlement was filed on May 18, 2020. (ECF No. 113). As part of the stipulation, the parties noted that BoNYM and the HOA had also reached a settlement and were working to finalize the agreement.
3. BoNYM and the HOA have now finalized the settlement for their portion of the case. As part of the settlement, BoNYM and the HOA have agreed to the terms in the concurrently filed stipulation and order to enter judgment in favor of BoNYM and against the HOA.
4. The parties therefore agree there is good cause to lift the stay for the limited purpose of entering judgment pursuant to BoNYM and the HOA's concurrently filed stipulation.

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5. BoNYM and SFR continue to finalize settlement documents as to their respective claims against each other. This stipulation does not affect these claims. The parties respectfully request the court reinstitute the stay following entry of BoNYM and the HOA's stipulated judgment.

Dated this 23<sup>rd</sup> day of November, 2020.

<b>Akerman LLP</b>  <u>/s/ Nicholas E. Belay, Esq.</u> NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125 NICHOLAS E. BELAY, ESQ. Nevada Bar No. 15175 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134  <i>Attorneys for The Bank of New York Mellon</i>	<b>Hall Jaffe &amp; Clayton, LLP</b>  <u>/s/ Ashlie L. Surur, Esq.</u> ASHLIE L. SURUR, ESQ. Nevada Bar No. 11290 7425 Peak Drive Las Vegas, Nevada 89128  <i>Attorneys for Pearl Cove II Homeowners Association</i>
<b>KIM GILBERT EBRON</b>  <u>/s/ Chantel M. Schimming, Esq.</u> Chantel M. Schimming, ESQ. Nevada Bar No. 8886 7625 Dean Martin Drive, Suite 110 Las Vegas, Nevada 89139  <i>Attorneys for SFR Investments Pool 1, LLC</i>	

**ORDER**

**IT IS SO ORDERED.**



**UNITED STATES DISTRICT JUDGE**

DATED: November 23, 2020